

HUBER, ROBERT May 27, 2008

**Defendants' Objections**

Testimony Range	Objection	Authority
None		

**Plaintiffs' Objections**

Testimony Range	Objection	Authority
Pg. 71, ll. 2 - 4	Mischaracterizes previous testimony and Relevance	Rule 402 Rule 403 Rule 611(a)
Pg. 73, ll. 9 - 14	Argumentative and Relevance	Rule 402 Rule 403 Rule 611(a)
Pg. 73, ll. 16 - 18	Argumentative, and Mischaracterizes previous testimony	Rule 611(a)
Pg. 78, ll. 25 - Pg. 79, ll. 3	Calls for speculation	Rule 602
Pg. 80, ll. 19 - 22	Relevance	Rule 402 Rule 403
Pg. 86, ll. 4 - 10	Relevance	Rule 402 Rule 403
Pg. 86, ll. 19 - 22	Relevance	Rule 402 Rule 403
Pg. 102, ll. 6 - 7	Relevance	Rule 402 Rule 403
Pg. 102, ll. 9 - 11	Relevance	Rule 402 Rule 403
Pg. 102, ll. 13 - 16	Relevance and Calls for speculation	Rule 402 Rule 403 Rule 602
Pg. 119, ll. 18 - 23	Relevance and Calls for speculation	Rule 402 Rule 403 Rule 602
Pg. 135, ll. 16 - 18	Mischaracterizes previous testimony and Relevance	Rule 402 Rule 403 Rule 611(a)
Pg. 173, ll. 14 - 17	Relevance	Rule 402 Rule 403
Pg. 185, ll. 14 - 18	Relevance	Rule 402 Rule 403

Pg. 209, ll. 5 - 8	Relevance	Rule 402 Rule 403
Pg. 224, ll. 19 - 22	Relevance	Rule 402 Rule 403
Pg. 228, ll. 24 - Pg. 229, ll. 4	Relevance	Rule 402 Rule 403
Pg. 237, ll. 7 - 16	Mischaracterizes evidence	Rule 611(a)
Pg. 239, ll. 5 - 7	Mischaracterizes previous testimony	Rule 611(a)

**IGLI, KEVIN - May 8, 2009****Defendants' Objections**

<b>Start</b>	<b>Stop</b>	<b>Objection</b>
Pg. 55, ll. 15.	Pg. 56, ll. 10	Objection. Lack of foundation.
Pg. 56, ll. 25.	Pg. 57, ll. 7.	Objection. Lack of foundation.
Pg. 58, ll. 9.	Pg. 62, ll. 3.	Objection. Lack of foundation.
Pg. 67, ll. 15.	Pg. 68, ll. 8.	Objection. Lack of foundation.
Pg. 70, ll. 12	Pg. 70, ll. 14	Objection. Lack of foundation.
Pg. 70, ll. 17	Pg. 72, ll. 2	Objection. Lack of foundation.
Pg. 74, ll. 8.	Pg. 75, ll. 20.	Objection. Lack of foundation.
Pg. 76, ll. 8.	Pg. 77, ll. 8.	Objection. Lack of foundation.
Pg. 77, ll. 15.	Pg. 77, ll. 24.	Objection. Lack of foundation.
Pg. 78, ll. 10.	Pg. 79, ll. 6.	Objection. Lack of foundation.
Pg. 81, ll. 23.	Pg. 82, ll. 1.	Objection. Lack of foundation.
Pg. 111, ll. 19.	Pg. 112, ll. 2.	Objection. Hearsay.
Pg. 129, ll. 2.	Pg. 129, ll. 12.	Objection. Hearsay.
Pg. 158, ll. 12.	Pg. 159, ll. 13.	Objection. Hearsay. Lack of foundation.
Pg. 160, ll. 2.	Pg. 160, ll. 7.	Objection. Hearsay. Lack of foundation.
Pg. 168, ll. 2.	Pg. 168, ll. 22.	Objection. Calls for improper opinion testimony.
Pg. 173, ll. 5.	Pg. 173, ll. 25.	Objection. Lack of foundation. Improper opinion testimony.
Pg. 183, ll. 23.	Pg. 184, ll. 9.	Objection. Lack of foundation. Calls for improper opinion testimony. Misleading.
Pg. 193, ll. 2.	Pg. 193, ll. 17.	Objection. Misleading. Mischaracterizes exhibit.
Pg. 194, ll. 10.	Pg. 195, ll. 5.	Objection. Lack of foundation. Mischaracterizes testimony.
Pg. 198, ll. 5.	Pg. 198, ll. 21.	Objection. Lack of foundation. Calls for improper opinion testimony.
Pg. 233, ll. 11.	Pg. 236, ll. 4.	Objection. Lack of foundation. Calls for improper opinion testimony.

**KLOXIN, GREG OCTOBER 10, 2008**

**Defendants' Objections: None**

**Plaintiffs' Objections**

<b>Testimony Range</b>	<b>Objection</b>	<b>Authority</b>
<b>Page 139 L1 to L 16</b>	Relevance	FRE 401, 402 & 403
<b>Page 262 L10 to 18</b>	Relevance	FRE 401, 402 & 403

LAWRENCE, ANTHONY October 9, 2007

## Plaintiffs' Objections

Start	Stop	Objection	Authority
24:15	27:11	Relevance	FRE 401-403
32:16	34:1	Non-responsive; narrative	
74:21	76:21	Relevance	FRE 401-403
77:3	78:12	Relevance	FRE 401-403
78:13	79:4	Relevance; leading; non-responsive; narrative	FRE 401-403
89:14	89:24	Lack of foundation; non-responsive; calls for speculation; relevance	FRE 401-403 FRE 602
90:16	92:5	Relevance; non- responsive; narrative	FRE 401-403
92:6	92:11	Leading; lack of foundation; calls for legal conclusion	FRE 602
94:18	95:7	Calls for legal conclusion; opinion testimony from lay witness	FRE 701
99:11	99:13	Calls for legal conclusion; assumes facts; lack of foundation; leading	FRE 602
100:4	100:6	Calls for legal conclusion; misstates testimony; lack of foundation	FRE 602
107:12	107:22	Lack of foundation; relevance; assumes facts	FRE 401-043 FRE 602
130:13	130:17	Lack of foundation; calls for legal conclusion	FRE 602
154:3	154:5	Relevance	FRE 401-403
159:13	160:5	Relevance	FRE 401-403
160:6	160:8	Relevance; leading	FRE 401-403
160:16	160:23	Relevance	FRE 401-403
164:5	164:10	Calls for legal conclusion; assumes	

		facts; misstates evidence	
173:23	174:3	Leading; calls for legal conclusion	
246:20	246:25	Leading; calls for legal conclusion; misstates evidence; assumes facts	
247:1	247:8	Leading; calls for legal conclusion	

**Defendants' Objections**

<b>Start</b>	<b>Stop</b>	<b>Objection</b>	<b>Authority</b>
Pg. 184, ll. 6	Pg. 185, ll. 18	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602
Pg. 186, ll. 22	Pg. 187, ll. 1	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602
Pg. 187, ll. 18	Pg. 187, ll. 20	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602
Pg. 189, ll. 1	Pg. 189, ll. 23	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602
Pg. 190, ll. 4	Pg. 190, ll. 10	Improper foundation; lack of personal knowledge; assumes facts not in evidence; calls for a legal conclusion	FRE 601 and 602; FRE 704
Pg. 194, ll. 17	Pg. 195, ll. 15	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602
Pg. 196, ll. 6	Pg. 196, ll. 14	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602
Pg. 196, ll. 23	Pg. 197, ll. 4	Improper foundation; lack of personal	FRE 601 and 602; FRE 704

		knowledge; assumes facts not in evidence; calls for a legal conclusion	
Pg. 197, ll. 18,	Pg. 197, ll. 23	Improper foundation; lack of personal knowledge; assumes facts not in evidence; calls for a legal conclusion	FRE 601 and 602; FRE 704
Pg. 198, ll. 15	Pg. 198, ll. 20	Improper foundation; misleading; assumes facts not in evidence; calls for a legal conclusion	FRE 601 and 602; FRE 704
Pg. 198, ll. 21	Pg. 198, ll. 23	Improper foundation; vague; misleading; calls for a legal conclusion	FRE 601 and 602; FRE 704
Pg. 199, ll. 13	Pg. 199, ll. 20	Improper foundation; lack of personal knowledge; assumes facts not in evidence; calls for a legal conclusion	FRE 601 and 602; FRE 704
Pg. 201, ll. 10	Pg. 201, ll. 12	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602; FRE 704
Pg. 202, ll. 1	Pg. 202, ll. 18	Improper foundation; lack of personal knowledge; assumes facts not in evidence	FRE 601 and 602; FRE 704
Pg. 202, ll. 19	Pg. 202, ll. 24	Improper foundation; lack of personal knowledge; assumes facts not in evidence; mischaracterizes testimony of witness	FRE 601 and 602; FRE 704
Pg. 205, ll. 5	Pg. 205, ll. 15	Improper foundation; lack of personal knowledge; assumes facts not in evidence	601 and 602
Pg. 207, ll. 9	Pg. 207, ll. 17	Relevance	FRE 402
Pg. 207, ll. 18	Pg. 208, ll. 12	Lack of personal knowledge; best	FRE 601 and 602

		evidence rule	
Pg. 208, ll. 22	Pg. 209, ll. 2	Calls for a legal conclusion; vague and ambiguous	FRE 704
Pg. 216, ll. 3	Pg. 216, ll. 10	Vague, ambiguous and misleading	
Pg. 219, ll. 8	Pg. 219, ll. 18	Relevance	FRE 402
Pg. 220, ll. 2	Pg. 221, ll. 6	Improper foundation; lack of personal knowledge	FRE 601 and 602
Pg. 221, ll. 7	Pg. 222, ll. 14	Improper foundation; lack of personal knowledge	FRE 601 and 602
Pg. 237, ll. 18	Pg. 239, ll. 5	Asked and answered; improper foundation; lack of personal knowledge	FRE 601 and 602
Pg. 239, ll. 6	Pg. 240, ll. 12	Improper foundation; lack of personal knowledge; vague and ambiguous	FRE 601 and 602
Pg. 242, ll. 9	Pg. 242, ll. 21	Misleading; vague and ambiguous; improper foundation; lack of personal knowledge; vague and ambiguous	FRE 601 and 602
Pg. 252, ll. 15	Pg. 252, ll. 23	Misleading; vague and ambiguous; lack of foundation; lack of personal knowledge	FRE 601 and 602
Pg. 253, ll. 17	Pg. 253, ll. 24	Misleading; improper foundation; lack of personal knowledge	FRE 601 and 602
Pg. 254, ll. 6	Pg. 255, ll. 9	Improper foundation; lack of personal knowledge; assumes facts not in evidence; calls for a legal conclusion	FRE 601 and 602



Michael P. Madden

**Defendants' Objections, September 11, 2008**

<b>Testimony Range</b>	<b>Objection</b>	<b>Authority</b>
25:24 – 26:2	Relevance	FRE 402; 403

**Plaintiffs' Objections**

<b>Testimony Range</b>	<b>Objection</b>	<b>Authority</b>
69:15 – 16	Relevance	Rules 402; 403
118:7 – 19	Calls for Legal Conclusion	

**MANER, MARTIN– December 3, 2007**

**Defendants' Objections**

<b>Start</b>	<b>Stop</b>	<b>Objection</b>
Pg. 33, ll. 10.	Pg. 33, ll. 15.	Foundation (Speculation, Expert Opinion); Leading
Pg. 43, ll. 5.	Pg. 43, ll. 12.	Foundation (Speculation, Expert Opinion)
Pg. 50, ll. 12.	Pg. 50, ll. 20.	Foundation (Speculation, Expert Opinion); Leading
Pg. 70, ll. 16.	Pg. 71, ll. 3.	Foundation (Speculation, Expert Opinion); Leading
Pg. 75, ll. 20.	Pg. 76, ll. 4.	Foundation (Speculation, Expert Opinion)

**Plaintiff's Objections**

<b>Testimony Range</b>	<b>Objection</b>	<b>Authority</b>
None		

**MAREK, KRISTINA – March 11, 2009**

**Defendants' Objections**

<b>Testimony Range</b>	<b>Objection</b>	<b>Authority</b>
None		

**Plaintiffs' Objections**

<b>Testimony Range</b>	<b>Objection</b>	<b>Authority</b>
Pg. 59, ll. 25 - Pg. 60, ll. 23	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 66, ll. 14 - Pg. 67, ll. 7	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 68, ll. 6 - Pg. 70, ll. 4	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 71, ll. 5 - Pg. 74, ll. 1	General relevance; confusion of the issues; - Lack of personal knowledge	F.R.E. 401, 402, 403 F.R.E. 602
Pg. 74, ll. 9 - Pg. 87, ll. 12	General relevance; confusion of the issues; - Lack of personal knowledge	F.R.E. 401, 402, 403 F.R.E. 602
Pg. 87, ll. 16 - Pg. 90, ll. 24	General relevance; confusion of the issues; - Lack of personal knowledge	F.R.E. 401, 402, 403 F.R.E. 602
Pg. 91, ll. 12 - Pg. 97, ll. 15	General relevance; confusion of the issues; - Lack of personal knowledge	F.R.E. 401, 402, 403 F.R.E. 602
Pg. 105, ll. 4 - Pg. 106, ll. 24	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 109, ll. 20 - Pg. 111, ll. 20	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 113, ll. 2 - Pg. 123, ll. 11	General relevance; confusion of the issues	F.R.E. 401, 402, 403

Pg. 129, ll. 6 - Pg. 134, ll. 13	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 135, ll. 3 - 17	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 136, ll. 5 - 10	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 139, ll. 2 - Pg. 146, ll. 10	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 150, ll. 6 - Pg. 152, ll. 4	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 152, ll. 8 - Pg. 158, ll. 15	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 163, ll. 7 - Pg. 168, ll. 23	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 170, ll. 17 - Pg. 171, ll. 13	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 171, ll. 24 - Pg. 173, ll. 7	General relevance; confusion of the issues; - Lack of personal knowledge; - Opinion of lay witness	F.R.E. 401, 402, 403 F.R.E. 602 F.R.E. 701
Pg. 177, ll. 8 - 25	General relevance; confusion of the issues	F.R.E. 401, 402, 403
Pg. 181, ll. 3 - 15	General relevance	F.R.E. 401, 402, 403
Pg. 184, ll. 23 - Pg. 187, ll. 11	General relevance; confusion of the issues	F.R.E. 401, 402, 403

MAUPIN, TIM May 15, 2008

**Defendants' Objections**

Start	Stop	Objection	Authority
Global objection to use of term "waste" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term "phosphorus" with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Global objection to use of term "disposal" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Pg. 100, ll. 15.	Pg. 102, ll. 15.	Relevance; confusion	FRE 401, 402, 403
Pg. 110, ll. 7.	Pg. 111, ll. 4.	Hearsay; lack of foundation;	FRE 801, 802, 602
Pg. 116, ll. 22.	Pg. 117, ll. 12.	Lack of foundation; confusion, unfair prejudice	FRE 403, 602
Pg. 117, ll. 18.	Pg. 119, ll. 3.	Hearsay; relevance; unfair prejudice; lack of foundation	FRE 401, 402, 403, 801, 802, 602

**Tim Maupin 5/15/2008 (Defendants' cont'd)**

Pg. 124, ll. 19.	Pg. 126, ll. 15.	Hearsay; relevance; unfair prejudice; lack of foundation	FRE 401, 402, 403, 801, 802, 602
Pg. 146, ll. 10.	Pg. 148, ll. 13.	Lack of foundation; asks for a legal conclusion	FRE 401, 402, 403
Pg. 244, ll. 12.	Pg. 244, ll. 20.	Relevance; confusion, unfair prejudice	FRE 401, 402, 403

**Plaintiff's Objections**

Testimony Range	Objection	Authority
26:17-19	Move to strike last sentence as not responsive. Unsolicited self serving statement without foundation	For all authority, see Rules cited in Objection column
27:3-5	Move to strike last sentence as not responsive. Unsolicited self serving statement without foundation	
287:16 & 20	Rule 401, 403 Relevance, asked and answered	
287:23	Line 23, compound, leading and suggestive	

297:13-19	Move to strike lines 13-19 as statement of counsel and withdrawn questions and not relevant – leading and suggestive, ambiguous, vague, outside knowledge of witness	
298:9	Move to strike lines 5-8 as statement of counsel and not relevant – leading and suggestive, ambiguous, vague	

**TIM MAUPIN 7-21-08**

**Defendants' Objections**

<b>Start</b>	<b>Stop</b>	<b>Objection</b>	<b>Authority</b>
Global objection to use of term “waste” with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term “phosphorus” with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Global objection to use of terms “disposal” or “disposed” with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Pg. 27, ll. 23.	Pg. 28, ll. 7.	Assumes facts not in evidence, unfairly prejudicial	FRE 403
Pg. 29, ll. 11.	Pg. 29, ll. 21	Hearsay; attorney testifying; Relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 32, ll. 3.	Pg. 32, ll. 21.	Relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602
Pg. 33, ll. 7.	Pg. 33, ll. 24.	Relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802

**Tim Maupin 7/21/2008 (Defendants' cont'd)**

Pg. 34, ll. 17.	Pg. 34, ll. 23.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 42, ll. 19.	Pg. 43, ll. 9.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 44, ll. 4.	Pg. 44, ll. 11.	Mischaracterizes the	FRE 403

		testimony; misleading; unfair prejudice;	
Pg. 45, ll. 18.	Pg. 47, ll. 3.	Object to form: confusing; vague; ambiguous	FRE 403
Pg. 55, ll. 19.	Pg. 56, ll. 1.	Assumes facts not in evidence; unfairly prejudicial; lack of foundation	FRE 403, 602
Pg. 57, ll. 14.	Pg. 58, ll. 12.	Assumes facts not in evidence; unfairly prejudicial; lack of foundation	FRE 403, 602
2. Pg. 63, ll.	Pg. 63, ll. 6.	Assumes facts not in evidence; unfairly prejudicial; lack of foundation	FRE 403, 602
Pg. 97, ll. 5.	Pg. 97, ll. 17.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 98, ll. 15.	Pg. 98, ll. 24.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 99, ll. 9.	Pg. 100, ll. 5.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 113, ll. 18.	Pg. 114, ll. 9.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 116, ll. 19.	Pg. 117, ll. 24.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 130, ll. 10.	Pg. 130, ll. 21.	Beyond the scope of designee's subject matter	Fed. R. Civ. P. 30(b)(6)
Pg. 133, ll. 9.	Pg. 133, ll. 17.	Beyond the scope of designee's subject matter; misstates the evidence and testimony; confusion	Fed. R. Civ. P. 30(b)(6); FRE 403
Pg. 134, ll. 22.	Pg. 136, ll. 4.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg. 136, ll. 18.	Pg. 138, ll. 5.	Hearsay; relevance; lack of foundation; unfairly prejudicial	FRE 401, 402, 403, 602, 801, 802
Pg., 153, ll. 5.	Pg. 155, ll. 9.	Beyond the scope of designee's subject matter	Fed. R. Civ. P. 30(b)(6)
Pg. 155, ll. 16.	Pg. 157, ll.	Beyond the scope of	Fed. R. Civ. P.

	23.	designee's subject matter	30(b)(6)
Pg. 159, ll. 10.	Pg. 161, ll. 10	Beyond the scope of designee's subject matter	Fed. R. Civ. P. 30(b)(6)

**Plaintiff's Objections**

Testimony Range	Objection	Authority
202:25	Rule 401, 403 Relevance	
203:1, 6	Rule 401, 403 relevance	

**TIM MAUPIN 7-22-08****Defendants' Objections**

Start	Stop	Objection	Authority
Global objection to use of term "waste" with respect to poultry litter		Unfair prejudice; misleading; states a legal conclusion	FRE 403
Global objection to use of term "phosphorus" with respect to poultry litter		Relevance, confusion, misleading, unfair prejudice	FRE 401, 402, 403
Global objection to all questions regarding whether disclosure of a document would cause "material harm" to Cargill or CTP		Beyond the scope of designee's subject matter	Fed. R. Civ. P. 30(b)(6)
Pg. 390, ll. 11.	Pg. 390, ll. 22.	Lack of foundation; speculation; beyond the scope of designee's subject matter	FRE 403, 602, Fed. R. Civ. P. 30(b)(6)
Pg. 397, ll. 11.	Pg. 397, ll. 22.	Relevance; confusion; misstates the facts; lack of foundation; improper impeachment	FRE 401, 402, 403, 602

**Tim Maupin 7/22/2008 (Defendants' cont'd)**

Pg. 402, ll. 7.	Pg. 402, ll. 13.	Improper designation without answer	FRE 401, 402, 403
Pg. 479, ll. 7.	Pg. 479, ll. 11.	Object to form: misstates prior testimony; misleading; unfair prejudice	FRE 403



**Plaintiff's Objections**

<b>Testimony Range</b>	<b>Objection</b>	<b>Authority</b>
411:16-18	ending at "all day." Rule 401	FRE 401

MCCLURE, BENNY August 15, 2007

## Defendant's Objections

Page	Line(s)	Objection	Authority
N/A	N/A	Objection throughout entire deposition: Incorporate continuing objections to 30(b)(6) Notice and related questions in the transcript included in letter made Defense Exhibit 1 to deposition	See referenced Defense Exhibit 1 to deposition
11	13-20	Relevancy/probative value; Prejudicial; Foundation/ultimate issue (includes contract grower operations as George's operations)	FRE 104, 402, 403
17	10-19	Relevancy/probative value; Prejudicial; Foundation (questions eliciting testimony about George's affiliated entities which are not defendants in the case; no foundation that these entities even have operations in the IRW, or that if they do, those operations are related to the issues in the case)	FRE 104, 402, 403
18	1	Relevancy/probative value; Foundation (Answer is designated without any question – result is nonsensical)	FRE 104, 402, 403
18	2-9	Relevancy/probative value; Prejudicial;	FRE 104, 402, 403

		Foundation (questions eliciting testimony about George's affiliated entities which are not defendants in the case; no foundation that these entities even have operations in the IRW, or that if they do, those operations are related to the issues in the case)	
18	21-25	Relevancy/probative value; Prejudicial; Foundation (questions eliciting testimony about George's affiliated entities which are not defendants in the case; no foundation that these entities even have operations in the IRW, or that if they do, those operations are related to the issues in the case)	FRE 104, 402, 403
25	1-2	Relevancy/probative value; Foundation (Answer is designated without any question – result is nonsensical)	FRE 104, 402, 403
25	24-25	Relevancy/probative value; Prejudicial; Foundation (questions eliciting testimony about George's affiliated entities in locations outside the IRW, which are irrelevant per the Magistrate; questions about entities which are not defendants in the case; no foundation that these entities even have operations in the IRW, or that if they do, those operations are related to the issues in the case)	FRE 104, 402, 403
30	5-16	Relevancy/probative value; Prejudicial;	FRE 104, 402, 403, 702

		Foundation (questions eliciting testimony about matters not included in the 30(b)(6) Notice; seeks expert opinion on integrated operations; witness not an expert)	
44	9-10	Relevancy/probative value (vague question regarding agronomic rates without reference to types of crops referenced; questions eliciting testimony about matters not included in the 30(b)(6) Notice); Foundation (Seeks expert opinion -- witness not an expert)	FRE 104, 402, 403, 702
45	5-22	Hearsay; Best evidence; Foundation (use of unauthenticated copy of article not previously produced in discovery without laying proper foundation, to prove truth of matter asserted in the article); Relevancy/probative value (question regarding agronomic rates); Foundation/ultimate issue (Seeks expert opinion --witness not an expert; assumes facts not in evidence regarding agronomic needs and conditions in the IRW); Prejudice (State never timely moved to compel response)	FRE 104, 402, 403, 702, 802, 1002
45	23-25	Hearsay; Best evidence; Foundation (use of	FRE 104, 402, 403, 702, 802, 1002

		<p>unauthenticated copy of article not previously produced in discovery without laying proper foundation, to prove truth of matter asserted in the article);</p> <p>Relevancy/probative value (question regarding phosphorus removal rates);</p> <p>Foundation/ultimate issue (Seeks expert opinion -- witness not an expert; assumes facts not in evidence regarding removal rates and conditions in the IRW);</p> <p>Prejudice (State never timely moved to compel response)</p>	
46	1-4	<p>Hearsay; Best evidence; Foundation (use of unauthenticated copy of article not previously produced in discovery without laying proper foundation, to prove truth of matter asserted in the article);</p> <p>Relevancy/probative value (question regarding phosphorus removal rates);</p> <p>Foundation/ultimate issue (Seeks expert opinion --witness not an expert; assumes facts not in evidence regarding removal rates and conditions in the IRW);</p> <p>Prejudice (State never timely moved to compel response)</p>	FRE 104, 402, 403, 702, 802, 1002
46	25	<p>Relevancy/probative value; Prejudice (vague question regarding agronomic rates without</p>	FRE 104, 402, 403, 702

		reference to types of crops referenced; topic not in 30(b)(6) Notice; Foundation/ultimate issue (Seeks expert opinion --witness not an expert; assumes facts not in evidence regarding agronomic rates and conditions in the IRW)	
47	1-4	Relevancy/probative value; Prejudice (vague question regarding agronomic rates without reference to types of crops referenced; topic not in 30(b)(6) Notice); Foundation (Seeks expert opinion --witness not an expert; assumes facts not in evidence regarding agronomic rates and conditions in the IRW)	FRE 104, 402, 403, 702
47	13-17	Relevancy/probative value; Prejudice (question regarding phosphorus removal rates without reference to types of crops referenced; topic not in 30(b)(6) Notice); Foundation (Seeks expert opinion --witness not an expert; assumes facts not in evidence regarding removal rates and conditions in the IRW)	FRE 104, 402, 403, 702
52	12-13	Relevancy/probative value; Prejudicial; Foundation/ultimate issue (use of word	FRE 104, 402, 403

		"waste")	
58	19-22, 24	Hearsay; Best evidence; Foundation (a document is referenced without designating its identification in the record – result is nonsensical; use of unauthenticated copy of article without laying proper foundation, to prove truth of matter asserted in the article); Relevancy/probative value; Foundation/ultimate issues (use of word "waste"; question regarding "pollution" of ground and surface water by alleged constituents; seeks expert opinion -- witness not an expert; seeks legal opinion on "pollution"; assumes facts not in evidence regarding conditions in the IRW); Prejudice (topic not in 30(b)(6) Notice)	FRE 104, 402, 403, 702, 802, 1002
59	3-4	Relevancy/probative value; Foundation/ultimate issues (question regarding "pollution" of ground and surface water by alleged constituents; seeks expert opinion --witness not an expert; seeks legal opinion on "pollution"; assumes facts not in evidence regarding conditions in the IRW); Prejudice (topic not in 30(b)(6) Notice)	FRE 104, 402, 403, 702

59	8-13	Relevancy/probative value; Foundation/ultimate issues (question regarding "pollution" of ground and surface water by alleged constituents; seeks expert opinion --witness not an expert; seeks legal opinion on "pollution"; assumes facts not in evidence regarding conditions in the IRW); Prejudice (topic not in 30(b)(6) Notice)	FRE 104, 402, 403, 702
60	9-15	Hearsay; Best evidence; Foundation (a document is referenced without designating its identification in the record – result is nonsensical; use of unauthenticated copy of article without laying proper foundation, to prove truth of matter asserted in the article); Relevancy/probative value; Foundation/ultimate issues (question regarding "pollution" by alleged constituents; seeks expert opinion -- witness not an expert; seeks legal opinion on "pollution"; assumes facts not in evidence regarding conditions in the IRW); Prejudice (topic not in 30(b)(6) Notice)	FRE 104, 402, 403, 702, 802, 1002



61	4-7	Relevancy/probative value; Foundation/ultimate issue (use of word "waste")	FRE 104, 402, 403
63	20-23	Relevancy/probative value; Foundation (Question refers to an Answer to a previous question that was not designated – result is nonsensical)	FRE 104, 402, 403
64	3-4	Relevancy/probative value; Prejudice (mischaracterizes previous testimony)	FRE 402, 403
64	16-18	Relevancy/probative value; Prejudice (mischaracterizes previous testimony for the third time; cumulative; waste of time; argumentative; badgering the witness)	FRE 402, 403
67	6-8	Relevancy/probative value; Foundation/ultimate issue (use of word "waste"; seeks expert opinion on "pathogens" which is not defined -- witness not an expert)	FRE 104, 402, 403
67	24-25	Relevancy/probative value; Foundation/ultimate issue (seeks expert opinion on "elimination of pathogens" which is not defined --witness not an expert)	FRE 104, 402, 403, 702

68	1	Relevancy/probative value; Foundation/ultimate issue (seeks expert opinion on "elimination of pathogens" which is not defined --witness not an expert)	FRE 104, 402, 403, 702
68	17-19	Relevancy/probative value; Foundation/ultimate issue (seeks expert opinion on "pathogens" which is not defined --witness not an expert; assumes facts not in evidence and mischaracterizes previous testimony)	FRE 104, 402, 403, 702
69	16-17	Relevancy/probative value; Foundation/ultimate issue (seeks expert opinion on "pathogens or bacteria" which is not defined --witness not an expert)	FRE 104, 402, 403, 702
70	15-17	Relevancy/probative value; Foundation/ultimate issue (seeks expert opinion on "bacteria or pathogens" which is not defined --witness not an expert)	FRE 104, 402, 403, 702
70	24-25	Relevancy/probative value; Prejudicial; Foundation/ultimate issue (use of word "waste")	FRE 104, 402, 403
71	11	Relevancy/probative value; Prejudicial; Foundation/ultimate issue (use of word "waste")	FRE 104, 402, 403

71	15-25	Relevancy/probative value; Prejudice; Foundation (assumes facts not in evidence; misleading; past practices of stacking and its effect on bacteria – there is no evidence that any alleged bacteria from practices in place years ago would survive today)	FRE 104, 402, 403
72	1-17	Relevancy/probative value; Prejudice; Foundation (assumes facts not in evidence; misleading; past practices of stacking and its effect on bacteria – there is no evidence that any alleged bacteria from practices in place years ago would survive today)	FRE 104, 402, 403
73	16-19	Relevancy/probative value; Prejudicial; Foundation/ultimate issue (use of word “waste”)	FRE 104, 402, 403
79	18-21	Relevancy/probative value; Prejudicial; Foundation/ultimate issue (use of word “waste”)	FRE 104, 402, 403
81	16-22	Hearsay; Best evidence; Foundation (a document is referenced without designating its identification in the record – result is nonsensical; use of copy of letter by another person relying on unknown, unauthenticated sources without laying proper foundation of expertise by author of underlying source material, to prove truth of	FRE 104, 802, 1002

		matter asserted in the letter)	
82	7-21	Hearsay; Best evidence; Foundation (a document is referenced without designating its identification in the record – result is nonsensical; use of copy of letter by another person relying on unknown, unauthenticated sources without laying proper foundation of expertise by author of underlying source material, to prove truth of matter asserted in the letter); Relevancy/probative value; Foundation (assumes facts not in evidence about conditions in IRW; mischaracterizes referenced letter; seeks expert opinion -- witness not an expert)	FRE 104, 402, 403, 702, 802, 1002
83	23-25	Hearsay; Best evidence; Foundation (a document is referenced without designating its identification in the record – result is nonsensical; use of copy of letter by another person relying on unknown, unauthenticated sources without laying proper foundation of expertise by author of underlying source material, to prove truth of matter asserted in the letter)	FRE 104, 802, 1002

84	1-3	Hearsay; Best evidence; Foundation (a document is referenced without designating its identification in the record – result is nonsensical; use of copy of letter by another person relying on unknown, unauthenticated sources without laying proper foundation of expertise by author of underlying source material, to prove truth of matter asserted in the letter)	FRE 104, 802, 1002
87	7-10	Relevancy/probative value; Foundation/ultimate issue (use of word “waste”; question references earlier part of transcript relating to Musteen Farm/liquid manure that was not designated – result is nonsensical; assumes facts not in evidence)	FRE 104, 402, 403
87	18-21	Hearsay; Best evidence; Foundation (use of unauthenticated copy of soil test without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Foundation (question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an	FRE 104, 402, 403, 702, 802, 1002

		expert)	
88	2-5	Relevancy/probative value; Foundation (assumes facts not in evidence regarding prior applications of litter to property; question regarding soil test phosphorus levels and length of time before phosphorus can be applied; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702
88	18-23	Hearsay; Best evidence; Foundation (use of unauthenticated copy of soil tests without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Foundation (assumes facts not in evidence regarding prior applications of litter to property; question regarding previous applications vs one application; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002
90	23-25	Relevancy/probative value; Prejudice (assumes facts not in evidence; cumulative, waste of time; argumentative; badgering witness)	FRE 402, 403
91	1	Relevancy/probative value; Prejudice (assumes facts not in evidence; cumulative, waste of time; argumentative;	FRE 402, 403

		badgering witness)	
91	4-15	Incorporate objections to referenced Requests to Admit; Relevancy/probative value; Foundation/ultimate issue (use of word "waste"; assumes George's has burden of developing proof to support a denial of a Request to Admit, which it does not have; question regarding source allocations of phosphorus in the IRW; seeks expert opinion and witness is not an expert)	See Objections in Responses to Request to Admit referenced in the question; FRE 104, 402, 403, 702
95	3-7	Incorporate objections to referenced Requests to Admit; Relevancy/probative value; Foundation/ultimate issue (use of word "waste"; assumes George's has burden of developing proof to support a denial of a Request to Admit, which it does not have; question regarding source allocations of phosphorus in the IRW; seeks expert opinion and witness is not an expert); Prejudice (second time to ask the same question; cumulative; waste of time)	See Objections in Responses to Request to Admit referenced in the question; FRE 104, 402, 403, 702

96	12-14	Incorporate objections to referenced Requests to Admit; Relevancy/probative value; Foundation/ultimate issue (use of word "waste"; assumes George's has burden of developing proof to support a denial of a Request to Admit, which it does not have; question regarding source allocations of phosphorus in the IRW; seeks expert opinion and witness is not an expert); Prejudice (third time to ask the same question; cumulative; waste of time; argumentative; badgering the witness)	See Objections in Responses to Request to Admit referenced in the question; FRE 104, 402, 403, 702
97	3-6	Hearsay; Best evidence; Foundation (use of unauthenticated copy of soil tests without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Foundation (assumes facts not in evidence regarding prior applications of litter to property)	FRE 104, 402, 403, 802, 1002
105	1	Relevancy/probative value; Prejudice; Foundation (assumes facts not in evidence – that there is an environmental effect of	FRE 104, 402, 403



		George's poultry manure handling)	
128	21-22	Relevancy/probative value; Prejudicial; Foundation (questions eliciting testimony about entities related to George's which are not defendants in the case)	FRE 104, 402, 403
131	12-20	Relevancy/probative value; Prejudicial; Foundation/ultimate issue (question comes in midstream without designation of the earlier testimony about the birds and the farm being discussed – result is nonsensical and misleading; use of word "waste")	FRE 104, 402, 403
136	20-22	Relevancy/probative value; Prejudice; Foundation/ultimate issue (leading; assumes facts not in evidence; use of words "check" on the farms on "regular" basis; misleading)	FRE 104, 402, 403
137	3-5	Relevancy/probative value; Prejudice; Foundation/ultimate issue (assumes facts not in evidence; "supervise" farms of contract growers on "regular" basis; misleading)	FRE 104, 402, 403
137	9-10	Relevancy/probative value; Foundation/ultimate issue (leading; assumes facts not in evidence; word "inspection" of farms of contract growers)	FRE 104, 402, 403

141	11-13	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of words "waste" and "inspection" of contract farms; misleading)	FRE 104, 402, 403
143	5-6	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "standard" with regard to George's grower contracts; misleading)	FRE 104, 402, 403
145	8-11	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of "form" with regard to George's grower contracts; question elicits testimony about areas outside the IRW, which Magistrate has ruled is irrelevant to this case)	FRE 104, 402, 403
150	4-11	Relevancy/probative value; Prejudice (question elicits testimony about additive in poultry feed which State's damage expert King has testified will not be part of the proof at trial)	FRE 402, 403
157	5-6	Relevancy/probative value; Prejudice; (question elicits testimony about operations outside the IRW, which Magistrate has ruled is irrelevant to this case)	FRE 402, 403

165	21-25	Relevancy/probative value (assumes facts not in evidence regarding extent of broiler house size information in George's computer records; discusses matters that could have been pursued in discovery but were not, and discussion of what information George's does and does not have in its records is irrelevant for purposes of trial); Prejudice (assuming George's failed to provide full responses, which is denied, State never timely moved to compel further response; confusing; waste of time)	FRE 402, 403
166	1-15	Relevancy/probative value (assumes facts not in evidence regarding extent of broiler house size information in George's computer records; discusses matters that could have been pursued in discovery but were not, and discussion of what information George's does and does not have in its records is irrelevant for purposes of trial); Prejudice (assuming George's failed to provide full responses, which is denied, State never timely moved to compel	FRE 402, 403

		further response; confusing; waste of time)	
171	8-15	Relevancy/probative value (assumes facts not in evidence regarding extent of production information in George's computer records; discusses matters that could have been pursued in discovery but were not, and discussion of what information George's does and does not have in its records is irrelevant for purposes of trial); Prejudice (assuming George's failed to provide full responses, which is denied, State never timely moved to compel further response; confusing; waste of time)	FRE 402, 403
174	10-11	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "exposure" with regard to George's presence in IRW; assumes facts not in evidence; not a topic in 30(b)(6) Notice; calls for expert or legal conclusion, and witness is not an expert)	FRE 104, 402, 403, 702
174	21-23	Relevancy/probative value; Prejudice (not a topic in 30(b)(6) Notice; fact of lessened presence in IRW over time is irrelevant and is likely to be misconstrued by a jury;	FRE 402, 403

		confusing; misleading; waste of time)	
176	2-7	Relevancy/probative value; Prejudice (not a topic in 30(b)(6) Notice; basis of decisions about who to contract with is irrelevant and is likely to be misconstrued by a jury; confusing; misleading; waste of time)	FRE 402, 403
177	17-22	Relevancy/probative value; Prejudicial; Foundation (question comes in midstream without designation of the earlier testimony about the farm being discussed – result is nonsensical and misleading; use of word “waste”)	FRE 104, 402, 403
178	6-8, 10, 13-15, 17-18, 23-24	Relevancy/probative value; Prejudicial; Foundation (question comes in midstream without designation of the earlier testimony about the farm being discussed – result is nonsensical and misleading; use of word “waste”; leading; assumes facts not in evidence)	FRE 104, 402, 403
179	1-2	Relevancy/probative value; Prejudicial; Foundation (question comes in midstream without designation of the earlier testimony about the farm being discussed – result is nonsensical and	FRE 104, 402, 403

		misleading; leading; assumes facts not in evidence)	
179	4-9, 14	Hearsay; Best evidence; Foundation (use of unauthenticated copy of nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Foundation (question comes in midstream without designation of the earlier testimony about the farm being discussed – result is nonsensical and misleading; leading; assumes facts not in evidence)	FRE 104, 402, 403, 802, 1002
180	6-10	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan or permit without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Foundation (question comes in midstream without designation of the earlier testimony about the farm being discussed – result is nonsensical and misleading; leading; assumes facts not in evidence)	FRE 104, 402, 403, 802, 1002

181	11-12, 16	Relevancy/probative value; Prejudicial; (questions eliciting testimony about entities related to George's and/or the ownership of those entities, none of whom are defendants in the case; George's has admitted it manages and controls poultry litter from the farms owned by these entities in the IRW, so the references to the actual owners of those farms is irrelevant, not probative, misleading, confusing and a waste of time)	FRE 402, 403
181	18-24	Hearsay; Best evidence; Relevancy/probative value; Foundation/ultimate issue (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document; assumes facts not in evidence; use of word "excess")	FRE 104, 402, 403, 802, 1002
182	3-4, 7-13	Hearsay; Best evidence; Relevancy/probative value; Foundation/ultimate issue (use of copy of unauthenticated nutrient management plan without laying	FRE 104, 402, 403, 802, 1002

		proper foundation, to prove truth of matter asserted in the document; assumes facts not in evidence; use of word "excess")	
182	15-18, 22-25	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence; use of words "excess" and "too high"; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002
183	5-8	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002
183	12-14, 19-21	Hearsay; Best evidence;	FRE 104, 402, 403, 702,



		<p>Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document);</p> <p>Relevancy/probative value; Prejudice;</p> <p>Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence, particularly with presumed historical influence by litter application; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)</p>	802, 1002
185	22-23	<p>Relevancy/probative value; Prejudicial; (questions eliciting testimony about entities related to George's and/or the ownership of those entities, none of whom are defendants in the case; George's has admitted it manages and controls poultry litter from the farms owned by these entities in the IRW, so the references to the actual owners of those farms is irrelevant, not probative, misleading, confusing and a waste of time)</p>	FRE 402, 403

186	5, 12, 14-15	Relevancy/probative value; Prejudicial; (questions eliciting testimony about entities related to George's and/or the ownership of those entities, none of whom are defendants in the case; George's has admitted it manages and controls poultry litter from the farms owned by these entities in the IRW, so the references to the actual owners of those farms is irrelevant, not probative, misleading, confusing and a waste of time)	FRE 402, 403
188	1-3, 5, 17-19	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002

188	24-25	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice (question regarding phosphorus removal rates without reference to types of crops referenced; topic not in 30(b)(6) Notice); Foundation (Seeks expert opinion --witness not an expert; assumes facts not in evidence regarding removal rates and conditions in the IRW)	FRE 104, 402, 403, 702, 802, 1002
189	1-2	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice (question regarding phosphorus removal rates without reference to types of crops referenced; topic not in 30(b)(6) Notice); Foundation/ultimate issue (use of word "waste"; seeks expert opinion -- witness not an expert; assumes facts not in evidence regarding removal rates and conditions in the IRW)	FRE 104, 402, 403, 702, 802, 1002

189	14-16	Relevancy/probative value; Prejudice (question regarding phosphorus removal; topic not in 30(b)(6) Notice); Foundation/ultimate issue (seeks expert opinion -- witness not an expert; assumes facts not in evidence regarding phosphorus removal and conditions in the IRW)	FRE 104, 402, 403, 702
189	19-21	Relevancy/probative value; Prejudice (question regarding purported phosphorus "recycling"; topic not in 30(b)(6) Notice); Foundation/ultimate issue (seeks expert opinion -- witness not an expert; assumes facts not in evidence regarding purported phosphorus "recycling" and conditions in the IRW)	FRE 104, 402, 403, 702
190	2-4	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002

192	13-16	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence, particularly with presumed historical influence by litter application; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002
193	3-7	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002

193	11-14	Hearsay; Best evidence; Foundation (use of copy of unauthenticated nutrient management plan without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (topic not in 30(b)(6) Notice; assumes facts not in evidence, particularly with presumed historical influence by litter application; question regarding relative comparisons of soil test phosphorus; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702, 802, 1002
196	25	Relevancy/probative value; Foundation (Partial question is designated, and none of answer – result is nonsensical)	FRE 104, 402, 403
198	16-23	Relevancy/probative value; Prejudicial; Foundation (reference to a letter for application rates when the actual rates are in the permit produced in discovery for this permitted facility)	FRE 104, 402, 403
199	2-4	Relevancy/probative value; Prejudicial; Foundation (reference to a letter for application rates when the actual rates are in	FRE 104, 402, 403

		the permit produced in discovery for this permitted facility)	
199	20-22	Relevancy/probative value; Prejudicial; Foundation (reference to a letter for application rates when the actual rates are in the permit produced in discovery for this permitted facility)	FRE 104, 402, 403
200	24-25	Hearsay; Best evidence; Foundation (use of unauthenticated copy of letter from State agency without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; (assumes facts not in evidence, particularly regarding George's training; misleading)	FRE 104, 402, 403, 802, 1002
201	1-14	Hearsay; Best evidence; Foundation (use of unauthenticated copy of letter from State agency without laying proper foundation, to prove truth of matter asserted in the document); Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste"; assumes facts not in evidence, particularly regarding George's training; misleading)	FRE 104, 402, 403, 802, 1002
202	2-5, 15-16	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word	FRE 104, 402, 403

		"waste")	
203	20-23	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste"; misleading in implying all of the George's owned and managed facilities generated liquid manure)	FRE 104, 402, 403
205	18-19	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste")	FRE 104, 402, 403
211	1-2, 15-17, 19-20	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste")	FRE 104, 402, 403
213	6-14, 16-19, 21-23, 25	Hearsay; Foundation (use of unauthenticated exhibit prepared by State's counsel without laying proper foundation and with no ability to authenticate or cross-examine counsel's testimony about the document, all used to prove truth of matter asserted in the exhibit); Relevancy/probative value; Prejudice; Foundation/ultimate issue (assumes facts not in evidence and not capable of being put into evidence or cross-examined, particularly as to purported locations of application	FRE 104, 402, 403, 802; 6 <sup>th</sup> Amend. to US Const.



		of George's litter in IRW; misleading; confusing)	
214	1-2	Hearsay; Foundation (use of unauthenticated exhibit prepared by State's counsel without laying foundation with no ability to authenticate or cross-examine counsel's testimony, all used to prove truth of matter asserted); Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste"; assumes facts not in evidence and not capable of being put into evidence or cross-examined; misleading; confusing)	FRE 104, 402, 403, 802; 6 <sup>th</sup> Amend. to US Const
214	24-25	Hearsay; Foundation (use of unauthenticated exhibit prepared by State's counsel without laying foundation with no ability to authenticate or cross-examine counsel's testimony, all used to prove truth of matter asserted); Relevancy/probative value; Prejudice; Foundation/ultimate issue (assumes facts not in evidence and not capable of being put into evidence or cross-examined; misleading; confusing)	FRE 104, 402, 403, 802; 6 <sup>th</sup> Amend. to US Const

215	1-3, 14-17, 19-20, 22-24	Hearsay; Foundation (use of unauthenticated exhibit prepared by State's counsel without laying foundation with no ability to authenticate or cross-examine counsel's testimony, all used to prove truth of matter asserted); Relevancy/probative value; Prejudice; Foundation/ultimate issue (assumes facts not in evidence and not capable of being put into evidence or cross-examined; misleading; confusing)	FRE 104, 402, 403, 802; 6 <sup>th</sup> Amend. to US Const
216	1-3, 5-8, 11-14, 16-17, 19-21, 23-25	Hearsay; Foundation (use of unauthenticated exhibit prepared by State's counsel without laying foundation with no ability to authenticate or cross-examine counsel's testimony, all used to prove truth of matter asserted); Relevancy/probative value; Prejudice; Foundation/ultimate issue (assumes facts not in evidence and not capable of being put into evidence or cross-examined; misleading; confusing)	FRE 104, 402, 403, 802; 6 <sup>th</sup> Amend. to US Const
222	12-16, 22-23	Relevancy/probative value; Prejudice; Foundation/ultimate	FRE 104, 402, 403, 702

		issue (assumes facts not in evidence regarding condition of waters of IRW, and/or influence by litter application; seeks expert opinion and witness is not an expert)	
227	9-16, 18	Hearsay; Best Evidence; Foundation (use of unauthenticated copy of newspaper ad prepared by unknown person without laying foundation, used to prove truth of matter asserted); Relevancy/probative value; Prejudice (not topic of 30(b)(6) Notice; use of newspaper ad – confusing and misleading to jury as to purposes of ad)	FRE 104, 402, 403, 802, 1002
228	22-24	Hearsay; Best Evidence; Foundation (use of unauthenticated copy of newspaper ad prepared by unknown person without laying foundation, used to prove truth of matter asserted); Relevancy/probative value; Prejudice (not topic of 30(b)(6) Notice; use of newspaper ad – confusing and misleading to jury as to purposes of ad)	FRE 104, 402, 403, 802, 1002
232	2-4	Relevancy/probative value; Prejudice; Foundation/ultimate issue (not topic of 30(b)(6) Notice; ratios of	FRE 104, 402, 403, 702

		nutrients used by plants; seeks expert testimony and witness is not an expert)	
232	11	Relevancy/probative value; Prejudice; (not a topic of the 30(b)(6) Notice; question elicits testimony about areas outside the IRW, which Magistrate has ruled is irrelevant to this case)	FRE 402, 403
234	14-19	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste"; compound; vague; assumes facts not in evidence regarding releases and runoff)	FRE 104, 402, 403
235	5-7	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste"; cumulative; assumes facts not in evidence regarding runoff)	FRE 104, 402, 403
238	19-20	Relevancy/probative value; Prejudice; Foundation/ultimate issue (seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702
239	9-11	Relevancy/probative value; Prejudice; Foundation/ultimate issue (seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702

239	14-15	Relevancy/probative value; Prejudice; Foundation/ultimate issue (compound; vague as to words "impact" "certain levels" and "aquatic life"; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702
240	3-4, 16-17, 22-23	Relevancy/probative value; Prejudice; Foundation/ultimate issue (vague; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702
241	4-5	Relevancy/probative value; Prejudice; Foundation/ultimate issue (vague as to "certain levels"; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702
241	16-17	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste")	FRE 104, 402, 403
242	15-18	Relevancy/probative value; Prejudice; Foundation/ultimate issue (use of word "waste"; vague; improper burden-shifting assumption; assumes facts not in evidence regarding "runoff or release" or an ability to quantify such; seeks expert testimony and witness is not an expert)	FRE 104, 402, 403, 702
248	8-10, 19	Relevancy/probative value (information	FRE 402, 403

		about financial support of Poultry Partners is irrelevant and waste of time)	
249	4-6, 9-10	Relevancy/probative value (information about financial support of Poultry Partners is irrelevant and waste of time)	FRE 402, 403
250	21-23	Relevancy/probative value; Prejudice; Foundation/ultimate issue (cumulative; assumes facts not in evidence regarding condition of waters of IRW, and/or influence by litter application; seeks expert opinion and witness is not an expert)	FRE 104, 402, 403, 702
251	14-18	Relevancy/probative value; Prejudice; Foundation/ultimate issue (refers to an exhibit not designated in the transcript; reference to third party claims stayed by the Court; references to contributions and allocation are issue for trier of fact and question seeks expert testimony – witness is not an expert)	FRE 104, 402, 403, 702

		contributions and allocation are issue for trier of fact and question seeks expert testimony – witness is not an expert)	
257	15-17	Relevancy/probative value; Prejudicial; Foundation (questions eliciting testimony about George's affiliated entities which are not defendants in the case; no foundation that these entities even have operations in the IRW, or that if they do, those operations are related to the issues in the case)	FRE 104, 402, 403

#### Plaintiffs' Objections

Page	Line(s)	Objection	Authority
62	20	Unsolicited response; move to strike; no question offered; relevance	FRE 401; 403
63	14	Unsolicited response; move to strike; no question offered; relevance	FRE 401: 403